

Amendment
Serial No. 10/029,097

Docket No. US010696

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-24 are pending and stand rejected. Claims 1 and 12 have been amended to correct grammatical errors.

In reply to the applicant's arguments to the rejection of the claims in the prior Office Action, the instant Office Action states that "applicant's arguments with respect to claims 1-20 ... are moot in view of the new grounds of rejection. The examiner also notes the traversal of rejections 4, 11, 15 and 20 ... Since no arguments were given in support of the traversal, ... The examiner wishes to note that the USC 103 rejection of the above claims [Claims 4, 11, 15 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Nemoto in view of Allen (USP no. 6,2159,891)] stand as originally given [on] page 4 of the Office Action mailed March 22, 2006." (see page 2, section 2, instant Office Action).

Applicant respectfully disagrees with the reason for maintaining the rejection of the aforementioned claims for the same reasons recited in applicant's response to the rejection of these claims in the prior Office Action.

Applicant would note that the instant Office Action has provided a new reason for rejecting independent claims 1 and 12, in reply to the amendments made in applicant's response to the rejection of the claims in the prior Office Action. That is, the independent claims 1 and 12 now stand rejected as being unpatentable over Nemoto in view of Lawler rather than being anticipated by Nemoto, as stated in the prior Office Action.

As the Office has provided a new reference to reject independents 1 and 12 in the instant Office Action, Applicant submits that amended independent claims 1 and 12 included subject matter not disclosed by Nemoto and Allen references. As claims 4, 11, 15 and 20 depend from claims 1 and 12, respectively, and Allen failed to provide any teaching to describe the subject matter found not to exist in Nemoto, claims 4, 11, 15 and 20 were not rendered obvious in view of Nemoto and Allen.

Applicant would further note that claims 4 and 15 stand rejected in view of the combination of Nemoto, Lawler and Allen in the instant Office Action. Hence, the

Amendment
Serial No. 10/029,097

Docket No. US010696

instant Office Action further acknowledges that claims 4 and 15 are not obvious in view of Nemoto and Allen as a new reference is now recited to reject these claims under 35 USC 103.

For at least the above remarks, applicant respectfully requests that the rejection of claims 4, 11, 15 and 20 maintained from the prior Office Action be withdrawn.

Claims 1-3, 5-14 and 16-20 stand rejected under 35 USC 103(a) as being unpatentable over Nemoto (USP no. 5,214,622) in view of Lawler (USP no. 5,699,107).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Nemoto discloses an information display apparatus which accumulates arbitrary information inputted to a television receiver from the outside, superimposes the information in a memory on an ordinary video signal and displays the superimposed image on a television display in accordance with a calendar time built in the television receiver. The arbitrary information inputted from the outside can be displayed on a television display at a previously appointed date. (see Abstract). Nemoto further discloses that the displayed message can be displayed for a predetermined time, continuously, intermittently or displayed every time a remote control manipulation is performed. (see col. 5, lines 26-41).

The Office Action acknowledges that Nemoto does not disclose the reminder message comprising reminder information and a time and determining a reminder message time based on the content of the reminder information from the entered time. (see page 3, lines 19-22, instant Office Action).

Lawler discloses a program reminder system to remind a user of an interactive viewing system when a pre-selected program is available. The interactive viewing system includes at last one program guide that allows user selection of a program for which a reminder is to be set. When a reminder has been set, the system displays a reminder panel shortly before the selected program becomes available. The reminder panel identifies the selected program, informs the user that it will shortly be available,

Amendment
Serial No. 10/029,097

Docket No. US010696

and allows the user to turn to the appropriate channel for viewing the selected program. (see Abstract).

Lawler further discloses in Fig. 9, which is referred to in the instant Office Action, that the reminder is concurrently displayed on a screen, where the reminder information includes the name of a program, i.e., Star Trek, the channel, i.e., 11, WPIX and the time, i.e., 11PM. Lawler more fully discloses Figure 9 in col. 12, lines 44-64.

However, a careful reading of this section fails to show that Lawler determines a message display time based on the content of the reminder information as is recited in the claims. Rather, Lawler merely reveals that the reminder may be displayed twice; once five minutes before the selected program time and the second time five seconds before the selected program time. (see col. 12, lines 44-64).

Applicant would further note that Lawler discloses that the display of a reminder message can be associated with a tag and that the tag "is associated with a particular program and a particular viewer station or user. (see col. 12, lines 1-3). Lawler further discloses that "there are two types of reminder tags, one associated with a particular program that is set in response to activation of the This Show button. This type of tag is automatically removed once the time of the reminder has past. Another type of reminder is associated with a particular daily or weekly channel and time slot. This type of reminder is set in response to activation of the Every Day button ... This type of reminder will remain set until removed by a user ..." (see col. 12, lines 3-13). Lawler further discloses that the user sets the reminder tag based on the user's selection of one or the other button. (see col. 11, lines 40-66).

However, contrary to the statements made in the Office Action, Lawler is silent with regard to setting the remainder display time based on the content of the reminder information. Rather, Lawler describes setting a reminder time whether in a single or a repeating manner based on the user's selection. Lawler fails to describe a time to display the message based on the content. Although the instant Office Action refers to the program being Star Trek and the time that it is displayed. The time that the reminder is displayed is not based on the content of the program. Rather it is merely a time, which is

Amendment
Serial No. 10/029,097

Docket No. US010696

either a single time to watch a single program set by the user or a repeating time each time Star Trek is found to be included in the television schedule set by the user.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Neither Nemoto nor Lawler, individually or in combination, teach or suggest all the elements recited in the above referred-to independent claims. Hence, even if the teachings of Nemoto and Lawler were combined, the combined device would not include all the elements recited in the claims.

For at least this reason, applicant submits that the rejection of claims 1 and 12 has been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of these claims.

With regard to the remaining dependent claims, these claims ultimately depend from independent claims 1 and 12, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 4 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Nemoto in view of Lawler and further in view of Allen (USP no. 6,2159,891).

Claim 4 and 15 depend from claims 1 and 12, which have been shown to include subject matter not disclosed by the combination of Nemoto and Lawler. Allen is recited to teach the element "the retrieved reminder message is transmitted to, and displayed on, the television display as close caption text." (see page 5, lines 19-21, instant Office Action).

Amendment
Serial No. 10/029,097

Docket No. US010696

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim.

Contrary to the statements made in the Office Action, the subject matter recited in claims 4 and 15 is not rendered obvious by the teachings of Nemoto, Lawler and Allen. Assuming that Allen provides some teaching of the subject matter claimed by the Office Action, which applicant elects not to comment on, Allen fails to provide any teaching of determining a remainder display time based on the content of the information, which has been shown not to exist in the combined teaching of Nemoto and Lawler.

Hence, even if there were some motivation to combine the references, as suggested by the Office Action, the combination of Nemoto, Lawler and Allen fails to recite all the elements recited in independent claims 1 and 12 and, consequently the aforementioned claims 4 and 15.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Furthermore, contrary to the position stated in the Office Action with regard to applicant's arguments in response to the rejection of claims 4, 11, 15 and 20 in the prior Office Action ("no arguments were given in support of the traversal [of claims 4, 11, 15 and 20]"), applicant submits that the arguments presented herein fully support the reasons for traversing the rejection of the aforementioned claims, as it has been shown that the combination of the references fails to contain all the elements recited in the claims.

Claims 21-24 stand rejected under 35 USC 103(a) as being unpatentable over Nemoto in view of Lawler and further in view of Dougherty (USP no. 6,725,461).

Claim 21-25 depend from claims 1 and 12, which have been shown to include subject matter not disclosed by the combination of Nemoto and Lawler. Dougherty is proposed to disclose a countdown timer (see page 6, lines 11-12, instant Office Action).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim.

Contrary to the statements made in the Office Action, the subject matter recited in claims 21-25 is not rendered obvious by the teachings of Nemoto, Lawler and Dougherty.

Amendment
Serial No. 10/029,097

Docket No. US010696

Assuming that Dougherty provides some teaching of the subject matter claimed by the Office Action, which applicant elects not to comment on, Dougherty fails to provide any teaching of determining a remainder display time based on the content of the information, which has been shown not to exist in the combined teaching of Nemoto and Lawler.

Hence, even if there were some motivation to combine the references, as suggested by the Office Action, the combination of Nemoto, Lawler and Dougherty fails to recite all the elements recited in independent claims 1 and 12 and, consequently, the aforementioned claims 21-24.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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